

Application No.: 10/814,085

Filed: March 31, 2005

Response dated: December 30, 2005

Reply to Office Communication of September 30, 2005

REMARKS

This application contains Claims 1-13. Claims 1-13 have been rejected. Claim 1 has been amended. Therefore, Claims 1-13 are pending in the Application. Reconsideration of the application based arguments submitted below is respectfully requested.

Revised Oath/Declaration

Applicants would like to respectfully disagree to the Examiner reading of the original inventors Declaration as filed. On page two lines 9-11 of the declaration, the specific reference to the parent application reads as follows:

Title of Prior Application: Reversible Child Resistant Closure

Application Serial No. 09/938,292

Filing Date of Prior Application: August 21, 2001

A copy of the original declaration as filed is attached hereto. As such, Applicants respectfully offer that no correction in the declaration is warranted.

Claim Objections

Claim 1 has been object to because of informalities. The Examiner has correctly pointed out the lack of punctuation at the end of the claim. Applicants have amended the claim by adding a period at the end of the claim. No new matter was

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added. As such, Applicants respectfully request that the object to Claim 1 be reconsidered and withdrawn.

Amendments to the Specification

Applicants have corrected the informalities to the specifications as requested by the Examiner. Namely, the Applicants recopied paragraph 3 as the first paragraph of the specifications. No new matter has been introduced. Therefore, Applicant respectfully requests that the objection to the specification be reconsidered and withdrawn.

Claim Rejections – Judicially Created Doctrine of Double Patenting

Claims 1-13 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,802,427 in view of Kao (5,497,879).

Claims 1-10 and 12-14 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6-12, 17, and 18 of U.S. Patent Application No.: 10/356,493 (Publication No. 2004/0226907) in view of Kao (5,497,879).

Applicants have submitted here with two Terminal Disclaimers in compliance with 37 CFR 1.321(c), along with authorization for the Commissioner to charge the applicable terminal disclaimer fees, to overcome these rejections.

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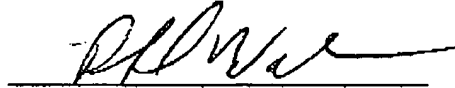
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The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION

I hereby certify that this Response and Amendment, including two terminal disclaimers each being two pages and a copy of the Declaration as originally filed, in Application No.10/814,085 having a filing date of March 31, 2005 is being transmitted via facsimile to:

Mail Stop Amendment
Commissioner for Patents

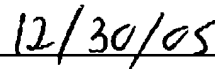
Art Unit: 3727
Examiner: Hylton, Robin Annette
Facsimile No.: 571-273-8300

on December 30, 2005.

Phillip E. Walker
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Signature



Date